

PATENT

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III. Remarks

The Applicant is grateful to the Examiner for allowing Claims 1-4, 6, 9-24 and for recognizing the allowable subject matter in Claim 8.

The Action rejects Claims 5 and 7 as failing to comply with the enablement requirement of 35 U.S.C. §112, ¶1. The Examiner concludes that the phrase "wherein said sampler further comprises at least one optical amplifier for making an output power of said electroabsorption modulator less sensitive to an input power of said optical data signal" does not find support in the specification. Applicant respectfully disagrees, although Claims 5 and 7 have been amended as described in more detail below. The Examiner is directed to FIG. 2 of the application and Paragraph 24, which show and describe an example of a sampler that is an EA modulator circuit comprising a "number of amplifiers" described in part as making the EA modulator circuit 14 "less sensitive to the input power of the optical data signal."

The Action also rejects Claims 5 and 7 as being indefinite under 35 U.S.C. §112, ¶2 for use of the term "less sensitive." Although Applicant disagrees that this term is indefinite, Claims 5 and 7 have been amended to remove the purely descriptive, non-qualifying phrase "for making an output power of said electroabsorption modulator less sensitive to an input power of said optical data signal." It is submitted that the indefiniteness rejection is moot in view of this amendment.

In view of the foregoing arguments and amendments, reconsideration and withdrawal of the rejection of Claims 5 and 7 are respectfully requested.

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IV. Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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